



#70

SZABO 201.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Andrew J. Szabo  
Serial No. : 09/400,649  
Filed : 9/21/99  
For : NUTRITIONAL OPTIMIZATION SYSTEM AND METHOD  
Art Unit : 2166  
Examiner : J. Parisi

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April 17, 2001

Hon. Commissioner of Patents  
& Trademarks  
Washington, DC 20231

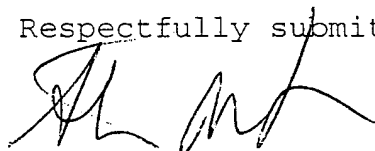
Sir:

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PROPOSED SUBSTITUTE DRAWING

Enclosed herewith is one drawing which we would like to have substituted in the above referenced patent application. Approval of the formal aspects thereof is respectfully solicited.

Respectfully submitted,

  
Steven M. Hoffberg  
Reg. No. 33,511

MILDE, HOFFBERG & MACKLIN, LLP  
10 Bank Street - Suite 460  
White Plains, NY 10606  
(914) 949-3100

I hereby certify that this correspondence is being deposited with the United States Postal Services as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on 4/17/01

MILDE, HOFFBERG & MACKLIN, LLP

By 

Date 4/17/01



2166

#8

SZABO 201.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Andrew J. Szabo  
Serial No. : 09/400,649  
Filed : 9/21/99  
For : NUTRITIONAL OPTIMIZATION SYSTEM AND METHOD  
Art Unit : 2166  
Examiner : Sam Rimell

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September 5, 2001

Hon. Commissioner of Patents  
& Trademarks  
Washington, DC 20231

Sir:

REQUEST FOR REINSTATEMENT

Responsive to the Notice of Abandonment issued August 28, 2001, enclosed are copies of the following documents.

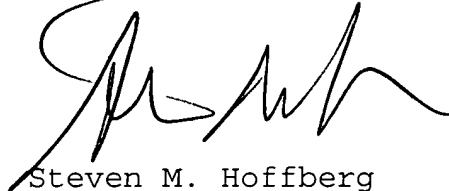
Copy of return receipt postcard with U.S.P.T.O. date stamp dated April 20, 2001;

Copy of the Amendment dated April 17, 2001 responding to the Office Action issued January 17, 2001, with a Clean Copy of the Specification, a Clean Copy of Amended Claims, a Proposed Substitute Drawing and Letter to the Official Draftsman with three sheets of formal drawings; and

Copy of Notice of Abandonment dated August 28, 2001.

The withdrawal of this Notice of Abandonment and the allowance of this application are accordingly respectfully solicited.

Respectfully submitted,



Steven M. Hoffberg  
Reg. No. 33,511

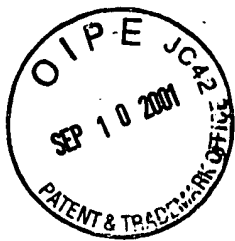
MILDE, HOFFBERG & MACKLIN, LLP  
10 Bank Street - Suite 460  
White Plains, NY 10606  
(914) 949-3100

I hereby certify that this correspondence is being deposited with the United States Postal Services as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on 9/5/01

MILDE, HOFFBERG & MACKLIN, LLP

By  \_\_\_\_\_

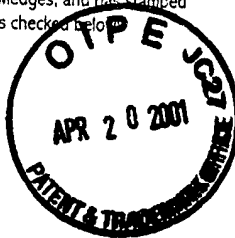
Date 9/5/01 \_\_\_\_\_



Case No. 02ABO 201.1  
Serial/Patent No. 09/400,649  
Mailing Date: 4/17/01  
Due Date: 4/17/01

02ABO 201.1

The Patent & Trademark Office acknowledges, and has stamped hereon the date of receipt of the items checked below



- ☐ Abstract
  - ☒ Amendment - Pages 9
  - ☐ Application - Pages \_\_\_\_\_
  - ☐ Assignment
  - ☐ Assignment Recordation Sheet
  - ☐ Check(s) for \$ \_\_\_\_\_
  - ☐ Claims - Pages \_\_\_\_\_
  - ☐ Declaration and Power of Attorney
  - ☐ Drawings - Sheets \_\_\_\_\_
  - ☒ Formal Drawings (FIGS. 1 to 3) - Sheets 3 ✓
  - ☐ Information Disclosure Statement
  - ☐ Issue Fee Payment
  - ☐ Letter/Response
  - ☒ Letter to Official Draftsman ✓
  - ☐ Maintenance Fee Payment
  - ☐ Notice of Revocation of Power of Attorney & Change of Address
  - ☐ Petition for Extension of Time
  - ☐ Priority Document
  - ☐ PTO Form 1082
  - ☐ PTO Form 1449
  - ☐ References - \_\_\_\_\_
  - ☒ Postcard ✓
  - ☒ Ltr to Draftsman - Proposed Sub Drawing ✓
  - ☒ Substitute Drawing (1) ✓
- Sm/t 4/17/01

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UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/400,649 09/21/99 SZABO

A SZABO-201.1

EXAMINER
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TN02/0828

MILDE HOFFBERG & MACKLIN LLP  
COUNSELORS IN INTELLECTUAL PROPERTY LAW  
SUITE 460  
10 BANK STREET  
WHITE PLAINS NY 10606

ART UNIT	PAPER NUMBER
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2166

DATE MAILED:

08/28/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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SM



# Notice of Abandonment

Application No.

09/400,649

Examiner

Sam Rimell

Applicant(s)

SZABO, ANDREW J.

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 1/17/01.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance.
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file new formal drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed new formal drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ The proposed new formal drawings filed on \_\_\_\_\_ are not acceptable and the period for reply has expired.
  - (c) ☐ No proposed new formal drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

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SEP 14 2001

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Sam Rimell  
Primary Examiner  
Art Unit: 2166